

John Turner,

Plaintiff,

vs.

High Desert State Prison, *et al.*,

Defendants.

## ORDER

## I. BACKGROUND

Plaintiff filed this action on September 24, 2013, purporting to set forth a claim for defamation. (Compl. ¶ 1, ECF No. 9). On January 13, 2014, the Court issued a screening order dismissing Plaintiff's Complaint with prejudice, finding that Plaintiff's claim was frivolous and its defects could not be cured through amendment. (Screening Order 4:4-13). Subsequently, Plaintiff filed three separate Motions for Reconsideration, arguing that his Complaint was dismissed in error. (ECF Nos. 11, 12, 18). The Court denied the first two of these on January 29, 2013, (ECF No. 13), and the third on August 25, 2014, (ECF No. 18). In the instant Motion, Plaintiff again requests that the Court reconsider the dismissal of his Complaint. (Pl.'s Mot. p. 1, ECF No. 26).

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1           **II. LEGAL STANDARD**

2           **A. Reconsideration of this Court's Prior Orders**

3           Rule 60 of the Federal Rules of Civil Procedure provides a standard by which the Court  
4 may reconsider its orders. This rule, governing relief from a judgment or order, provides in  
5 part:

6           On motion and just terms, the court may relieve a party or its legal representative  
7 from a final judgment, order, or proceeding for the following reasons:

8           (1) mistake, inadvertence, surprise, or excusable neglect;

9           (2) newly discovered evidence that, with reasonable diligence, could not have  
10 been discovered in time to move for a new trial under Rule 59(b);

11           (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation,  
12 or misconduct by an opposing party;

13           (4) the judgment is void;

14           (5) the judgment has been satisfied, released or discharged; it is based on an  
15 earlier judgment that has been reversed or vacated; or applying it prospectively  
16 is no longer equitable; or

17           (6) any other reason that justifies relief.

18 Fed. R. Civ. P. 60(b). The Ninth Circuit has distilled the grounds for reconsideration into three  
19 primary categories: (1) newly discovered evidence; (2) the need to correct clear error or prevent  
20 manifest injustice; and (3) an intervening change in controlling law. *School Dist. No. 1J v.*  
21 *ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).

22           **III. DISCUSSION**

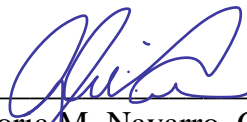
23           For the reasons set forth by the Court in its previous Orders, (ECF Nos. 13, 18), the  
24 Court finds no grounds for reconsideration. Plaintiff's request has already been rejected by the  
25 Court, and he provides explanation as to why this case should be reopened. Furthermore,

1 Plaintiff's vexatious history in this case contradicts any notion that reconsideration is necessary  
2 to "prevent manifest injustice." Accordingly, Plaintiff's Motion will be denied.

3 **III. CONCLUSION**

4 **IT IS HEREBY ORDERED** that the Motion to Reconsider, (ECF No. 26), is  
5 **DENIED.**

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7 **DATED** this 14 day of April, 2016.

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11 Gloria M. Navarro, Chief Judge  
12 United States District Court  
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